

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv399

DORIS N. ANDERSON,)
)
 Plaintiff,)
)
 vs.)
)
 DUKE ENERGY CORPORATION,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on the Defendant's motion, filed April 27, 2007, to strike as untimely the Plaintiff's response to its motion to compel.

By Order entered April 4, 2007, the Magistrate Judge granted in part and denied in part the Defendant's motion to compel. The Magistrate Judge identified the manner in which some of the Plaintiff's discovery responses were incomplete since she appears in this matter in a *pro se* capacity. The Magistrate also provided the Plaintiff with a period of time, through April 20, 2007, within which to cure such deficiencies.

The Plaintiff then undertook to comply with the Order of the

Magistrate Judge as best she could, by filing with the Court, on the stated deadline, a document entitled "Plaintiff's Response to Defendant's Motion to Compel," to which Plaintiff attached the responses to the discovery as she had been ordered.

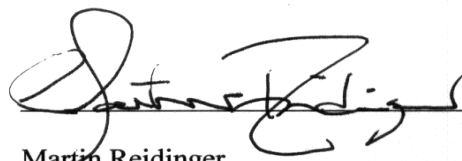
Defendant does not assert that these additional responses were in any way deficient or failed to comply with the Order of the Magistrate Judge. Instead, Defendant seeks to have it stricken pursuant to Rule 12(f) because it is not timely as a response to the original Motion to Compel.

In light of all the circumstances the Court will, in its discretion, deny the Defendant's Motion to Strike.

As alternate relief the Defendant seeks to be allowed to reply to the Response, even though the Motion at issue has already been ruled upon. This appears to the Court to be moot. For this reason the Court will, in its discretion, deny the alternate relief sought by the Defendant.

IT IS, THEREFORE, ORDERED that the Defendant's motion to strike is hereby **DENIED** in its entirety.

Signed: January 10, 2008


Martin Reidinger
United States District Judge

